

AN ORDINANCE

04-0 -0163

BY: COUNCILMEMBER CEASAR C. MITCHELL

**AN ORDINANCE AMENDING SECTION 130-11 OF  
THE CITY OF ATLANTA CODE OF ORDINANCES  
SO AS TO ADD THE TERM "BULKY ITEMS"  
THEREBY PROHIBITING THE DUMPING OF  
BULKY ITEMS IN THE PUBLIC RIGHT OF WAY;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; and

**WHEREAS**, such an environment is detrimental to the health, welfare and safety of the residents of the city.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**Section 1:**

That Section 130-11, which currently reads as follows:

Sec. 130-11. Unlawful disposal of debris, garbage, junk, litter, refuse, rubbish, trash or waste upon public property and rights-of-way.

- (a) Prohibited conduct. It shall be unlawful for any person to throw debris, garbage, junk, litter, refuse, rubbish, trash or waste upon the public property or rights of way within the city.
- (b) Penalties. Penalties for violation of this section shall be as follows:
  - (1) Where the volume of debris, garbage, junk, litter, refuse, rubbish, trash or waste discarded is less than 30 gallons, a conviction for violation of this section shall subject the violator to penalties as provided in section 1-8 of this Code of Ordinances.
  - (2) Where the volume of debris, garbage, junk, litter, refuse, rubbish, trash or waste discarded is 30 gallons or greater, a conviction for violation of this section shall subject the violator to the following mandatory penalties:

- a. First conviction. A fine of \$1,000.00 and the violator must be directed to pick up and remove from any public street or highway or public right-of-way, for a distance not to exceed two miles, any and all debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
- b. Second conviction. A fine of \$1,000.00, confinement in the city jail for a period not to exceed 30 days, and the violator must be directed to pick up and remove from any public street or highway, or any public right-of-way in the city for a distance not to exceed two miles, any and all debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
- c. Third conviction. A fine of \$ 1,000.00, confinement in the city jail for a period not less than seven days and not more than 60 days, and the violator must be directed to pick up and remove from any public street or highway, or any public right-of-way in the city for a distance not to exceed two miles, any and all debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
- (c) Enforcement. This section shall be enforced by the police and by other authorized and sworn city personnel.
- (d) Publication of names. The court may publish the names of persons convicted of a violation of this Code section

Be amended to read as follows:

Sec. 130-11. Unlawful disposal of **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste upon public property and rights-of-way.

- (a) Prohibited conduct. It shall be unlawful for any person to throw **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste upon the public property or rights of way within the city.
- (b) Penalties. Penalties for violation of this section shall be as follows:
  - (1) Where the volume of **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste discarded is less than 30 gallons, a conviction for violation of this section shall subject the violator to penalties as provided in section 1-8 of this Code of Ordinances.
  - (2) Where the volume of **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste discarded is 30 gallons or greater, a conviction for violation of this section shall subject the violator to the following mandatory penalties:

- a. First conviction. A fine of \$1,000.00 and the violator must be directed to pick up and remove from any public street or highway or public right-of-way, for a distance not to exceed two miles, any and all **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
  - b. Second conviction. A fine of \$1,000.00, confinement in the city jail for a period not to exceed 30 days, and the violator must be directed to pick up and remove from any public street or highway, or any public right-of-way in the city for a distance not to exceed two miles, any and all **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
  - c. Third conviction. A fine of \$ 1,000.00, confinement in the city jail for a period not less than seven days and not more than 60 days, and the violator must be directed to pick up and remove from any public street or highway, or any public right-of-way in the city for a distance not to exceed two miles, any and all **bulky items**, debris, garbage, junk, litter, refuse, rubbish, trash or waste deposited thereon prior to the date of execution of sentence.
- (c) Enforcement. This section shall be enforced by the police and by other authorized and sworn city personnel.
  - (d) Publication of names. The court may publish the names of persons convicted of a violation of this Code section

## Section 2:

That all ordinances and parts of ordinances in conflict herewith are hereby repealed.